

**MAR 28 2011**

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

NATHANIEL LEE DAVIS,

Petitioner,

V.

COMMONWEALTH OF VIRGINIA,

Respondent.

Case No. 7:10-cv-571

ORDER

By: Hon. Glen E. Conrad  
Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is now

**ORDERED**

as follows:

1. The respondent's motion to dismiss shall be and hereby is **GRANTED**;
2. A certificate of appealability is **DENIED**; and
3. The petition for writ of habeas corpus filed by the petitioner shall be and hereby is **DISMISSED** and **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 28<sup>th</sup> day of March, 2011.

*John C. ...*  
Chief United States District Judge